

# Agenda

## Item #1



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: September 21, 2010

Re: Request for Waiver of Late Filing Penalty/Maine Center for Economic Policy

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The Maine Center for Economic Policy was required to file monthly lobbyist reports during 2010. It was required to file a report on July 15, 2010 covering the month of June. The responsibility to file the report belonged to Judy Ward, the office manager. Ms. Ward was on vacation from June 30 to July 19. She attempted to file the report four days late on July 19. (Ms. Ward's letter mistakenly states that she filed it on *June* 19.) The Commission believes that she did not quite file the report and it was in "pending" status until July 21. The report showed that the organization conducted no lobbying for the month of June.

Under 3 M.R.S.A. § 319, the preliminary penalty amount is \$100. The Commission may waive the penalty for a late lobbyist report for mitigating circumstances, but the statute does not list circumstances which justify a waiver.

Ms. Ward requests a waiver of the \$100 penalty because she was on vacation and because the payment would burden the organization's budget. The Commission staff recommends denying the request, based on the Commission's past decisions. The Commission has usually required more of an unforeseen event to justify a waiver request.

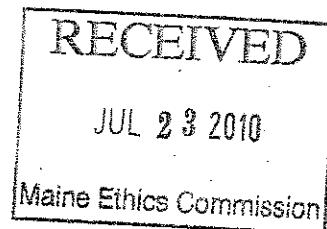
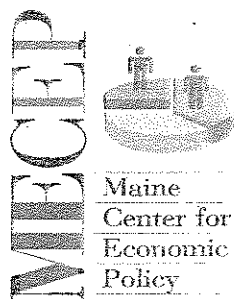
### **3 MRSA § 319. PENALTY**

**1. Failure to file registration or report.** Any person who fails to file a registration or report as required by this chapter may be assessed a fine of \$100 for each person listed or who should have been listed on the lobbyist registration for every month the person fails to register or is delinquent in filing a report pursuant to section 317. The commission may waive the penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances.

**1-A. Notice of suspension.** Any person who fails to file a report or pay a fee as required by this chapter may be suspended from further lobbying by written notice of the commission until such failure is corrected.

**2. [repealed]**

**3. Exemption.** Notwithstanding section 317, subsection 1, a registered lobbyist is exempt from the penalty imposed under this section if, while the Legislature is convened in special session, the lobbyist failed to file a report with the commission pursuant to section 317 if no lobbying has been performed during that special session.



Staff

Christopher St. John  
Executive Director

Garrett Martin  
Associate Director

Judy Ward  
Office Manager

Dan Coyne  
Fiscal Policy Analyst

Connie Zhu  
Policy Analyst

Mark Sullivan  
Communications Director

Board of Directors

Keith Bisson  
Mary Cathcart  
Lynn Davey  
Kate Dempsey  
John Hanson  
Erik Jorgensen, Secretary  
Lock Kiermaier  
Beth Kilbreth  
Bonnie Lounsbury  
Juan Perez-Febles  
Sarah Shed, Vice Chair  
Joan Sturmthal, Chairman  
Annee Tara  
Steve Ward  
Elizabeth Ward-Saxl  
Lee Webb, Treasurer  
Douglas Woodbury

Board of Advisors

Dan Amory  
Sherry Huber  
William Knowles  
Lisa Miller  
Kevin Mattson  
Peter Schwindt

July 21, 2010

Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, ME 04333

Re: penalty for late filing of June 2010 Lobbyist disclosure report

Dear Commission Members,

Please except this letter as a request to waiver the \$100 penalty for filing the June 2010 lobbyist disclosure report due on June 15<sup>th</sup> on June 19<sup>th</sup>. I was on my annual vacation from June 30 through July 19 therefore I was out of the office and submitted the request for waiver report the first day of my return. I sincerely apologize to the Commission for any inconvenience this may have caused; it was not an intentional act of deception or noncompliance. We are a small nonprofit and this would be an additional burden on our already strained budget.

Thank you, I very much appreciate your consideration of this request.

Sincerely,

*Judy Ward*  
Judy Ward  
Office Manager



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

July 16, 2010

**BY CERTIFIED MAIL AND REGULAR MAIL**

Christopher St. John  
Maine Center for Economic Policy  
PO Box 437  
Augusta, Maine 04332

Re: Maine Center for Economic Policy

Dear Mr. St. John,

Our records show that your June monthly lobbyist disclosure report has not been filed to date. The monthly report, due on the 15<sup>th</sup> of every month – or the next business day if the 15<sup>th</sup> falls on a weekend or holiday, is required to be filed electronically by all lobbyists registered with the Commission by 11:59 p.m. The **June** report was due by 11:59 p.m. on July 15, 2010.

In addition, 3 M.R.S.A. §319(1) states that any person who fails to file a timely report may be assessed a penalty of \$100 for every month the person is delinquent in filing the report; thus, to date your penalty is **\$100**. If you agree with this preliminary determination, you may use the attached billing statement to pay that penalty within 30 days of the date of this notice

However, if you have a valid reason for filing late, you may request a final penalty determination by the Commission. The Commission will notify you of the disposition of your case within 10 days after its determination.

**To avoid further penalty, you should file the report as soon as possible.** Pursuant to 3 M.R.S.A. § 319(1-A), any person who fails to file a report or pay a fee may be suspended from further lobbying by written notice of the Commission until such failure is corrected. Please direct any questions you may have about this matter to me at (207) 287-6221.

Sincerely,

Cindy Sullivan  
PAC, Party & Lobbyist Registrar

Cut Along Dotted Line

To: Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04333

From: Christopher St. John, Lobbyist for:  
Maine Center for Economic Policy

Re: Penalty for late filing of the June 2010 monthly lobbyist disclosure report (\$100)

Amount Enclosed: \$ \_\_\_\_\_

*Please Make Check or Money Order Payable to:*

**Treasurer, State of Maine**

Check/M.O. No.: # \_\_\_\_\_

For Office Use Only Account: CGEEP Fund: 014 Appr: 01
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**SENDER: COMPLETE THIS SECTION**

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Christopher St John  
 Vaccine Center for Economic Policy  
 PO Box 437  
 Augusta ME 04332

2. Article Number  
 (Transfer from servi)

7007 0710 0000 0935 9576

PS Form 3811, February 2004

Domestic Return Receipt

102596-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
- If YES, enter delivery address below:

Christopher St John

3. Service Type
- ☐ Certified Mail
  - ☐ Registered
  - ☐ Insured Mail
  - ☐ Express Mail
  - ☐ Return Receipt for Merchandise
  - ☐ O.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes